

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
MONDAY, MARCH 26, 2001**

**A. ROLL CALL**

The Special City Council meeting of March 26, 2001 was called to order by Mayor Nakanishi at 5:30 p.m.

Present: Council Members – Hitchcock (arrived at 5:55 p.m.), Howard, Land, Pennino  
and Mayor Nakanishi

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Attorney Schwabauer and Deputy City Clerk  
Taylor

**B. TOPIC(S)**

**B-1 “Discussion and appropriate action regarding Mokelumne River safety issues”**

Mayor Nakanishi announced that he would provide his comments and opening remarks, then refer to City Manager Flynn for introduction of the presenters from the Lodi Police Department, San Joaquin County Sheriff's Office, and the Mokelumne River Task Force. Following staff presentations, the public will be allowed individual comments not to exceed 3 minutes per citizen, and the meeting would be concluded with Council Member comments, discussion, and appropriate action. Mayor Nakanishi stated he believed the meeting would last approximately two hours and thanked everyone present for their time and patience in adhering to this schedule.

Mayor Nakanishi reminded everyone that last summer Tommy Farnsworth was killed and his father seriously injured during a boating accident on the Mokelumne River. Following that tragedy, members of the public attended the City Council meeting of July 5, 2000, raising the issue of safety on the Mokelumne River and urging Council Members to address safety concerns. Mayor Nakanishi stated that the topic of river safety has long been a controversial issue brought before the City Council many times since 1941, according to research done by the City Clerk's office.

Mayor Nakanishi asked that Deputy City Clerk Taylor read for the record the following portion of the July 5, 2000 minutes pertaining to the Mokelumne River agenda item:

*“Mayor Mann reminded everyone that the Mokelumne River, although it borders the City of Lodi and Lodi Lake, is within the County Board of Supervisors jurisdiction. Supervisor Sieglock and Mayor Mann are proposing, with Council concurrence, to develop a seven-member citizens committee charged to discuss among themselves all of the issues, concerns and recommendations brought before them. The committee would then provide recommendations to the San Joaquin County Board of Supervisors for discussion and appropriate action. Mayor Mann then asked that Chief Hansen provide a report.”*

*“Police Chief Hansen stated that the river is under legal authority of the San Joaquin County Board of Supervisors and the Army Corps of Engineers. He further reported that in 1996, discussions were held with the Sheriff's Office regarding the issue of river patrol, as concerned citizens regularly report poor conduct and river safety concerns to the Lodi Police Department. While no river patrol agreement was conceived, the patrol of parks was removed from the Parks and Recreation Department and became the responsibility of the Police Department. Chief Hansen stated the formation of the citizens committee is the proper course of action, and has assigned Sergeant Chet Somera to take the lead in representing the Lodi Police Department to work with the Sheriff's Office regarding discussions and possible coordination of safety patrol at the river. Chief Hansen then asked that a representative of the Sheriff's Office be allowed to address the Council.”*

*"Assistant Sheriff Bruce Agnew, 2081 Sylvan Way, Lodi, stated that there are provisional speed limits when operating a motorized craft near moored boats and near established swimming locations, but that the remainder of the limitation is for the most part at the discretion of the operator as safety permits. Sheriff Agnew stated that about 10% of the river between the Highway 99 overpass and Lodi Lake would qualify for the 5MPH speed limit currently, and that many hazards exist, including blind corners, debris, swimmers, stationary craft, and high speed craft such as boats pulling skiers and jet skis. Further, he stated that in his experience, even extensive patrol in some areas does not solve the problem, but that the Sheriff's office was very interested in working toward a resolution."*

*"Following discussion, the Council, on motion of Council Member Mann, Land second, unanimously authorized Mayor Mann to coordinate with County Supervisor Sieglock to establish a balanced committee of seven individuals charged to review and discuss all of the issues, concerns and recommendations brought before them, and to provide recommendations to the San Joaquin County Board of Supervisors for discussion and appropriate action regarding the safety of the Mokelumne River in Lodi."*

*"Further, the Council, on motion of Council Member Mann, Land second, authorized Lodi Police Department staff to begin discussions with members of the San Joaquin County Sheriff's Department with the intent to negotiate a Lodi Police/Sheriff's Office team partnership patrol agreement for shared responsibility of safety at the Mokelumne River in Lodi."*

Mayor Nakanishi stated he received a letter, along with the Mokelumne River Task Force recommendations, from San Joaquin County Supervisor Jack Sieglock inviting Lodi City Council Members to review and consider the proposal. Mr. Sieglock also wrote that he has requested the County Administrator's office work with the Sheriff's Department and County Counsel in drafting the necessary policies and ordinances for Board consideration in implementing the recommendations. Mayor Nakanishi stated that Supervisor Sieglock informed him the Mokelumne River Task Force officially disbanded in November 2000.

Lieutenant Chet Somera, liaison to the Mokelumne River Task Force, summarized the research done by the City Clerk's office and noted specific discussions and actions that occurred in regard to Lodi Lake and Mokelumne River safety, dating back as far as 1941 (filed). Lieutenant Somera noted that in 1991 the City Council created a Mokelumne River Access Task Force to address river safety issues. On March 18, 1992, in support of the task force, the Recreation Commission recommended nine items for consideration, the most important of which was imposing a 5mph speed limit where the river met Lodi properties; although, Council did not approve the recommendation. However on July 15, 1992 the City Council adopted Ordinance #1553 placing a 5mph speed limit on Lodi Lake.

Lieutenant Somera stated that since the boating accident and the subsequent direction of Council on July 5, 2000, which included opening negotiations for a joint patrol agreement with the Sheriff's Office, the police department has been working with the Sheriff's Office in providing additional, random patrol of the Mokelumne River with positive results.

Pat Stockar, Chair of the Mokelumne River Task Force, stated that shortly after the Farnsworth accident, he and other individuals were approached by Supervisor Sieglock and then Mayor Mann to serve on the task force. The members were charged with conducting three public meetings to encourage citizen participation, hear testimony, and create a partnership with the citizens of Lodi. Following public input, the task force deliberated upon information presented and provided the County Board of Supervisors with recommendations toward improving river safety.

Mr. Stockar summarized the task force recommendations (filed): 1) place time limits on the use of specific watercraft; 2) eliminate the use of water skiers, wakeboards, etc.; 3) institute an annual maintenance program for removal of obstacles and debris where permitted; 4) institute law enforcement patrol along the river; and 5) enhance public awareness and education regarding boat and river safety. Mr. Stockar stated he believes

*Continued March 26, 2001*

the recommendations contain value and merit. He encouraged the City Council to consider the recreational value the river, as well as the issues of shared use, river front neighbors, and increased patrol.

City Manager Flynn thanked Mr. Stockar and the members of the Mokelumne River Task Force for their time and hard work. Mr. Flynn then introduced San Joaquin County Sheriff's Deputy Bruce Agnew, who stated that the Sheriff's Office would like to provide as much coverage as possible to improve safety, including spontaneous patrol through joint efforts with Lodi Police. Deputy Agnew then introduced Lieutenant Stephan D. Moore, North County Area Commander, who has been working with Lodi Police since last summer in increasing enforcement and response, as well as drafting a mutual aid agreement for patrol of the Mokelumne River.

Lieutenant Moore stated that while the Mokelumne River/Lodi Lake Area Joint Staffing Agreement between the County Sheriff's Office and the Lodi Police Department is tentative, a vessel has been attained for specific-river use locally. During the 2000 season, patrol assistance along the river was provided from June to November. He stated that this year he looks forward to the opportunity to offer additional presence for the entire boating season, from May through October 2001, and to provide the same level of enforcement as currently exists in the Delta by utilizing established, enforceable codes. The public was provided a map (filed) depicting the river and those areas already designated with 5mph limits due to the presence of docks and moored boats.

Council Member Land asked if there has been an increase in warnings or citations issued, and what were the specific violations, if any. Lieutenant Moore stated that while no specific statistics were available, the number of violations were minimal and most were for exceeding the speed limit in the 5mph posted areas, operational equipment violations, and unsafe and/or inappropriate safety equipment and vests on board.

Mayor Pro Tempore Pennino asked Lieutenant Moore to expand on his comment regarding his desire to provide the same patrol on the Mokelumne River as they currently provide on the Delta, and further questioned the proposed joint staff agreement for patrol at the Mokelumne river on Saturdays, Sundays and holidays. Lieutenant Moore stated that the Sheriff's Office currently has six boats available for Delta patrol deployment, and they enter a high-impact schedule during high-use times. The agreement proposes one additional position on a per diem basis, thereby adding patrol to the Lodi area without decreasing Delta coverage. County boat taxes and governmental grant dollars pay for this service, and regardless of the services needed, the funding level provided remains the same; therefore, the additional position would require creative or additional funding on the part of the Sheriff's Office.

Mayor Nakanishi asked representatives of the Sheriff's Office and the Lodi Police Department to give their personal and/or professional opinion of the Mokelumne River safety issue.

Sheriff Agnew stated he can see all sides of the issue and is not 100% sure how to proceed, but common sense would indicate that a 5mph speed limit would make the river safer for everyone and that there are more than 1,000 miles of waterways available to better meet the needs of speed boat and jet ski enthusiasts. He stated that the problem with safety on the river is due to those watercraft operators who do not follow the law; however, an increased awareness and patrol would certainly benefit the safety concern. He further stated he has a watercraft available at any time should the Council wish to join him for a ride along the Mokelumne River.

Lieutenant Moore concurred with Sheriff Agnew's statements, adding that he would definitely look for a better place to water ski than the Mokelumne River.

Lieutenant Somera stated that as the liaison for the task force, he participated in a boating ride-along and spent some time walking along the parameter of the river during the past few months. He commented that knowing what hazards exist in and around the

river, he would personally recommend the 5mph speed limit. He noted that the map of the river shows many areas that contain docks, moored boats, beaches, or swimming areas. Each of these is considered a 5mph zone, 200 feet to either side of its location; however, when swimmers are in the non-designated areas they also become protected by the 5mph, 200-foot radius safety rule. As Lodi makes every effort to ensure safety on the roadways with regard to blind intersections and pedestrian crossings, so should the safety of our river be addressed for the protection of our citizens.

Lodi Police Captain Ron Tobeck stated that while he enjoyed water skiing on the river as a youngster, he now prefers to enjoy the lake and river as a wilderness spectator and a bird watcher. He stated that in his personal opinion, the 5mph speed limit would be easier to enforce and would make the river a safer place for everyone to enjoy.

PUBLIC COMMENTS:

- Katie Farnsworth, 757 Dody Drive, Manteca, stated that her brother Tommy was killed in the boating accident on the river last summer and said she believes those who oppose the 5mph speed limit do so for reasons of their own personal enjoyment of watercraft speed, without consideration for others. She asked the Council to think about how they would feel if Tommy were a member of their family and he was gone due to an unsafe river. She urged the City Council to impose a 5mph speed limit.
- Chet Locke, P.O. Box 84, Lockeford, stated that in 1958 his oldest daughter was badly injuring during a water skiing accident off Biddle Island, and shared that she was able to recover from her injuries. He stated there is no room for high-speed boats or water skiing on the river and urged Council to establish the 5mph limit.
- Moe Gritsch, 821 E. Turner Road, Lodi, expressed concern with the task force recommendation that allows boating on the river after dark. In addition, he is concerned about establishing a program to remove debris and obstacles from what should be left alone as a natural river. Ms. Gritsch urged Council to support a 5mph speed limit.
- Linda Martin, 8403 E. Harney Lane, Lodi, stated she attended every task force meeting and after listening to the comments, she recognized how easily one could vacillate on the issue. She expressed support for the 5mph speed limit on the stretch of river from Highway 99 to the dam based on various safety issues. She urged the City Council to take action before another death occurs.
- H. Duncan Sprague, 1142 Rivergate Drive #2, Lodi, stated that as a river resident, he is very concerned with the danger jet ski operators impose on the river and the damage they do in tearing up the riverbanks of the wilderness and residential areas.
- John Kindseth, 1218 Rivergate Drive, Lodi, stated he has made over 900 trips up and down the river over the past 20 years with his children and grandchildren. He has collected research from various water agencies and safety groups supporting that the accident and injury rate on the water is greatly affected by personal watercraft, and the real problem is jet skies, not boats. He further stated that a great deal of the bank erosion is due to the wake created by towing pull-behind watercraft at speeds of 18-20 mph. Mr. Kindseth asked that Council not ban boating and that it, instead, place limitations to ensure slow, safe watercraft recreation.
- Frank C. Alegre, 2000 Edgewood Drive, Lodi, reminded Council that the issue should be decided based on the facts not the votes. He has seen only one boating fatality in 40 years, which should not warrant the excessive restrictive action being proposed. Mr. Alegre stated that the river is unsafe when the driver and skier are unsafe and that open bow boats should be banned. Someone sitting in front of the driver of a boat is no more appropriate than allowing someone to ride on the hood of a vehicle. He stated that no records exist to support that the river is dangerous and he feels it is a shame that most of those supporting the 5mph speed limit rarely, if ever, use the river. He reminded everyone that this discussion is not about the lake, but about the two miles of river available for skiing.

Council Member Hitchcock asked if Mr. Alegre thought power boat and jet ski operators are as considerate as they were 20-30 years ago. Mr. Alegre stated that most of the people on the river during that time were members of the boat club who were responsible. Problems arose from people who came from outside the area.

Council Member Land reminded the public that tonight's discussion is not only to consider last year's fatality, but the overall issue of safety on the river.

- Tim Vallem, 11 Rio Vista Drive, Lodi, stated he attended all task force meetings and is on the river weekly. He expressed support for the 5mph speed limit extending from the dam to Guild Avenue. He stated that the safety issues, noise, wake damage, and riverbank erosion exist well beyond the Lodi City limits and that the residents of the homes along the river would surely benefit from a consistent and safe speed limit. Mr. Vallem stated that although he would hate to see a speed limit imposed that would eliminate the operation of jet skis, unfortunately this type of watercraft, and the youngsters who drive them, present the biggest safety problem.

Council Member Land asked Mr. Vallem if, as a frequent visitor to the river he had observed a difference in river safety. Mr. Vallem replied that since the increase in patrol he had seen a significant difference.

- Dottie Wood, 757 Dody Drive, Manteca, stated she is Tommy Farnsworth's mother and described him as a loving boy, full of laughter and mischief. He should be out playing with other children, but all that remains of him now is her memories and the book of pictures and treasures from his childhood. Ms. Wood stated she collected 1,500 signatures over four days from citizens who support a 5mph limit on the Mokelumne River and who want to ensure this does not happen to another child. She felt that increased enforcement alone is not enough. She urged Council to take appropriate action so that an accident like this never happens on the river again.
- Michael Coughlin, 1426 Lake Street, Lodi, stated that although he frequents the lake, he has never been in the water or the river, but would support a 5mph speed limit, 24 hours a day. He stated that although one tragic incident occurred in 40 years, that alone should not warrant such a change; however, he has observed the usage of the lake and river and believes that there will be very few responsible watercraft operators effected by the speed limit. He further suggested that a study be completed on the question of citizen usage of the river, park, and lake.
- Donna Phillips, member of the Friends of Lodi Lake, 1040 Laurel Avenue, Lodi, stated she recently had an opportunity to fly over the Mokelumne River and was surprised to see the amount of debris, obstacles, and shallow areas. Ms. Phillips submitted a petition (filed) of those supporting a quiet, tranquil park at the lake and indicated she received so many signatures accompanied with comments that she added a separate column just for the comments. She stated that she has seen a difference since the patrol was increased, but has also observed that as soon as the patrol officers leave the area the violations and speeds increase.
- Bonnie Raingruber, 127 Mokelumne River Drive, Lodi, thanked Council for the opportunity to speak, and stated that in checking her property deed it indicates that her property line exists halfway into the river as a City property. That being the case, she is confused as to how many different agencies it will take to decide and institute the 5mph limit. She stated that it could be an enforcement nightmare if there were jurisdiction separations in trying to enforce a speed limit, but stated she would support a 5mph limit throughout the recommended area. Further, Ms. Raingruber stated that in attending the public task force meetings, she observed that approximately 80% of all persons present supported the proposed speed limit. Also at issue is the overall environment, protection of animals, clean water supply, and the future enjoyment of the lake and river. The 5mph speed limit will not serve to eliminate the enjoyment of the river, but will instead allow for everyone to share this resource safely.

- Carol Royal, 1186 N. Ham Lane, Lodi, stated that common sense means safety is first, and there are no reasons to support a higher speed limit than 5mph. She believed the noise, pollution, and safety affect the lake and the river, and that Council needs to act now to protect this jewel in the City. She asked that Council not be persuaded by a few private boat owners, but instead hear the majority of the citizens speaking in support of a safer river patrolled with an established 5mph speed limit.
- Amy Fritz, 1234 Rivergate Drive, Lodi, stated she supports the 5mph speed limit as the only recommendation that will eliminate the dangers of speeding, blind curves, and river debris. She stated the river is so dangerous that after purchasing and using a jet ski for one season, her family chose to sell it due to the unsafe river conditions. She remarked that bold and fearless operators are often observed on the river from her home, such as youngsters with no supervision who exhibit bad behavior. Ms. Fritz said she addressed the Council about river safety a few years ago, to no avail, when the Lodi Lake boat ramp was proposed.
- Jay Bell, 335 Louie Avenue, Lodi, stated that the Parks Department has an engineering report which confirms that boat wakes erode the riverbank. He pointed out that the City has spent a significant sum of money to slow the effects of wake erosion. Also, jet skis emit 1/3 of their fuel directly into the water causing pollution. Mr. Bell noted that as a member of the task force he served in the best interest of the citizens, disagreeing with the first recommendation and refusing to go along with the majority in making recommendations as a whole. He stated his personal recommendation is that a 5mph speed limit be imposed for the entire river.

Council Member Land commented that he attended one public meeting and observed that the vast majority of those in attendance supported a reduction of speed on the river. He asked for Mr. Bell's observations, and what the task force's reaction was to the public support. Mr. Bell stated that at every public meeting, the majority of the public overwhelmingly supported either a 5mph speed limit or a 'no boat' policy. In his opinion, the task force's reaction to this support was unexpected.

Council Member Hitchcock asked Mr. Bell for his opinion as to the balance of representation on the Mokelumne River Task Force, commenting that she had been informed that a majority of the members owned boats or jet skis. Mr. Bell responded that four of the seven members owned or used jet skies or speed boats and may have had difficulty being objective.

- Mary Pell, 917 Greenwood Drive, Lodi, stated she no longer frequents the river, as she did in the past because it is no longer safe (even prior to the accident of last summer). She urged the Council to listen to the public comments, the task force recommendations, the letters to the editor, the newspaper editorials, and the petition signatures. She asked that Council appeal to the Board of Supervisors to impose a 5mph speed limit, reminding them that this topic is not new, the public has spoken and Council has a responsibility to hear their comments and take action on behalf of the public outcry.
- Robin Knowlton, 410 W. Oak Street, Lodi, asked that Council react positively to the majority of the public and urge the Board of Supervisors to impose a 5mph speed limit to make the river a safer place for everyone to enjoy. She stated that in the past she and her family enjoyed the river until the speed boats and jet skiers kept attempting to swamp their boat, playing "chicken" on the waterways, and endangering lives.
- Vi Riggle, 712 N. Cross Street, Lodi, stated the decision to preserve the natural elements and secure the safety of our citizens should have been made long ago. She hoped that when Council goes before the Supervisors the recommendation is for a 5mph speed limit to support the right of many instead of continuing to allow the destruction of the area for the benefit of a few. Ms. Riggle reminded the Council that while the decision lies in their hands as representatives of the citizens, if the people are not heard tonight they would speak out for their rights at the polls.

- Marilyn Stowell, 139 Mokelumne River Drive, Lodi, stated that while she chose to live on the river to enjoy the natural beauty and tranquility, many unfortunate instances have stopped her from enjoying recreational sports and using their boat on the river. She has seen chunks of the bank fall away, caused by the wakes of fast boats and jet skies, which is an unfortunate and preventable occurrence. She asked that Council take the steps to increase safety and protect the environment by recommending a speed limit of 5mph.
- Michelle Johnston, 1431 W. Locust Street, Lodi, stated that while she enjoyed water skiing on the river as a youngster, she supports a 5mph speed limit and believed that non-motorized water usage would increase as soon as people began to feel safe again on the river in their canoes, kayaks, etc. She stated that while traditions die hard, we have to recognize that people want peace and tranquility and the river should evolve into a slow and safe recreational environment.
- Reid Cerney, 900 W. Vine Street, Lodi, expressed his astonishment at how the majority of the task force could be so completely out of sync with the outspoken will of the people. He commended all of those who spoke so passionately about their desire for a safe river and a 5mph speed limit and stated that he is also in support of this recommendation. He stated that he enjoys bicycling to the lake, watching the relaxing flow of the river, and that the lovely seasons and enjoying the lake make it a great pleasure to live in Lodi. He reminded Council that safety first, last, and always is a priority for our children and citizens.
- Patrick McGuire, 18934 N. Lower Sacramento Road, Woodbridge, stated he was very close to the location of the boating accident last year, and shared that it was extremely difficult for him to explain to his children what happened and what the search party was looking for. He urged Council to take appropriate action in lowering the speed limit on the river to 5mph so that no one ever has to repeat that experience.
- Bill Bierly, 139 Mokelumne River Drive, Lodi, stated that the river is not safe, as it is narrow, winding, and contains many blind corners and lots of debris. He stated that oil, gas pollution, and erosion are factors of speed boats and jet skis, and that boating accidents increase when alcohol, drugs, negligence, and irresponsibility are factored in. He urged Council to take action in recommending a 5mph speed limit and to continue with pushing for this action until it happens.
- John Stroh, 810 Denby Way, Lodi, stated he is very concerned with the stability of the levy adjacent to Pig's Lake and knows that a great amount of time, effort and money have been dedicated by the City in order to preserve that portion of the river area. He asked that Council extend the 5mph restriction to help maintain what is left of the levy from the dam to Guild Avenue.
- Angela Farnsworth, Tommy Farnsworth's grandmother, recalled that while Tommy and his father had gone out fishing for the day she turned on the news and saw the report of an accident between a speed boat and a canoe. She shared her memory of waiting in the hospital for word on her son's injuries and for word on the search party locating her grandson. She has personally observed jet skiers trying to hit people sitting on the banks of the river with their wake. She stated that living near the river, she hears the watercraft at all hours of the day and night roaring up and down the river.
- Robert Riggle, 712 N. Cross Street, stated that he would support either an entire ban of motorized craft on the river, or action by Council to impose a 5mph limit on the river from the Woodbridge Dam to Guild Avenue.

#### RECESS

At 7:35 p.m., Mayor Nakanishi called for a recess and the City Council meeting reconvened at 7:50 p.m.

COUNCIL COMMENTS:

Council Member Howard thanked everyone for the information provided to Council this evening and over the past few months, and encouraged her fellow Council Members to join her in recommending the 5mph speed limit to the San Joaquin County Board of Supervisors. She stated that having a consistent speed limit 24 hours a day would be very effective, and she took to heart the comments made by representatives of the Police Department and the Sheriff's Office regarding river safety. Council Member Howard stated she heard a consistent theme in the comments this evening in that the public wants a safe speed limit of 5mph. She suggested the City Council institute a 5mph speed limit between the areas of the Woodbridge Irrigation District Dam to Guild Avenue.

Council Member Land extended his regrets and deepest sympathies to the Farnsworth family. He noted that Michelle Johnston's comment, "...traditions die hard," reminds him of the opposition past Council Members must have faced when the ski jump was removed from Lodi Lake and the difficulties that occurred when the Lodi Ski Club decided to remove its docking facility from Lodi Lake and relocate to the Delta. He commented on the ever-present erosion of the riverbanks and the great expense the City incurs in reinforcing the damaged banks. He expressed concern for the river's natural beauty and resources and for the beaver, fish, and other inhabitants. He and Mr. Pennino participated in hosted rides along the river, and while moving at 5mph, the boat came to a dead stop in the river when they hit a sand bar. He stated that many natural hazards exist on the river and he has personally witnessed several individuals operating jet skis and motorboats inappropriately on the waterway, further endangering the safety of our residents.

Council Member Land recalled that Council and the Recreation Commission have addressed this issue many times before, and are again addressing a request to impose a 5mph speed limit on the river. He stated there have been public meetings, task force appointments, local newspaper articles, and petitions. Lodi is fortunate to have this natural resource and needs to preserve it for future families to enjoy. Mr. Land stated he concurs with Council Member Howard in supporting a recommendation to the San Joaquin County Board of Supervisors that a 5mph speed limit be imposed on the river, adjacent to all properties within Lodi City limits, and that other areas of the river impose this speed limit as well.

Council Member Hitchcock stated she heard nothing compelling nor persuasive in any way which would convince her that anything but a 5mph speed limit is needed from the dam to Highway 99. Citizens have clearly expressed their desire for a quiet, peaceful river, a decrease in the erosion, and an increase in safety and passive boating recreation. Ms. Hitchcock stated she was moved by the comments of those who reside on the river, yet gave up their motorized watercraft due to the increased lack of safety. She stated that supporting a 5mph speed limit on the river is an issue where legislators must listen and respond to the public and not be diverted by personal bias or special interests.

Mayor Pro Tempore Pennino asked Deputy City Attorney Schwabauer for clarification on whether the City is allowed to post a speed limit on the river, and whether a property deed would actually extend to a certain portion of the river. Mr. Schwabauer stated that while a property deed might state the property line extends to a certain portion of the river, it is not uncommon that a property deed belongs jointly to several jurisdictions. A navigable river may be under County jurisdiction; however, even the County may be unable to impose and post a speed limit, as it might fall under the auspices of the Corp. of Engineers.

Mayor Pro Tempore Pennino did not believe that imposing a 5mph speed limit was necessary, because the problem could be resolved with proper patrol. The City currently possesses control of the boats launched at Lodi Lake and he indicated that much of the problem lies with river access. He expressed concern with the significant expense the City will incur in having a police officer removed from the street to fill a position patrolling the lake for 8 hours on Saturdays, Sundays and holidays as referred to in the language of the proposed joint staffing agreement.



Lieutenant Somera responded that the contract is already tentatively in existence and has been since last summer with no requirement for additional dollars from the City for this patrol coverage. Lieutenant Somera added that this program allows him to exercise flexibility in staffing five part-time, provisional officers to cover the lake and river as well as other community parks.

Mayor Pro Tempore Pennino asked Lieutenant Moore to comment on the additional costs incurred by the Sheriff's Office with the increased coverage at the Mokelumne River. Lieutenant Moore responded that the position would be a per diem, hourly wage deputy, scheduled to work most weekends and long holidays from May through October, with non-scheduled, flexible patrolling available as deemed necessary.

Mayor Nakanishi thanked the task force for their work on this important topic. He reported that he spent a great deal of time reviewing the history of the river and the documents before him and acknowledged the critical importance of safety.

MOTION / VOTE:

The City Council, on motion of Mayor Nakanishi, Hitchcock second, unanimously approved Resolution No. 2001-74 supporting a recommendation by the City Council to the San Joaquin County Board of Supervisors requesting that a 5mph speed limit be imposed on the Mokelumne River from the Woodbridge Irrigation District Dam to Guild Avenue.

Mayor Pro Tempore Pennino stated that with Council's recommendation of a 5mph speed limit there would be less need for patrolling the river and he would not support the proposed joint staffing agreement. He would, however, be in favor of modifications to the agreement minimizing the 8-hour day spent patrolling the river so that staff could concentrate on patrolling other parks and areas in need within the City limits.

City Manager Flynn reported that some time ago the City dedicated resources in the Parks and Recreation budget toward providing a police officer to patrol parks. Since that time the police officer position was reallocated to street patrol and the Parks and Recreation allocated funds have been used to create a new program wherein five part-time, provisional officers under the direction of the Police Department patrol all City parks with their main location being at Lodi Lake.

At the request of Council Member Hitchcock, Lt. Somera clarified that the Police Department currently has the flexibility to decide where officers would best serve the river and the parks and that no officers will be removed from the street in order to meet the scheduling and patrol requirements. Sheriff Agnew added that should the 5mph limit be imposed as recommended by Council this evening, it might result in a reduction in the hours required to patrol the river.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Howard second, authorized the City Manager to enter into a Mokelumne River/Lodi Lake Area Joint Staffing Agreement with the San Joaquin County Sheriff's Office for patrol of the Mokelumne River. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, Land and Mayor Nakanishi  
Noes: Council Members – Pennino  
Absent: Council Members – None  
Abstain: Council Members – None

Mayor Pro Tempore Pennino requested that the Council allow him to review the five task force recommendations, and asked that Council, if appropriate, take action on the recommendations.

- Recommendation #1 – place time limits on the use of specific watercraft

With Council concurrence, Mayor Pro Tempore Pennino noted for the record that this item does not require action, as it would no longer be of concern following Council's earlier vote recommending the County impose a 5mph speed limit.

- Recommendation #2 – eliminate the use of water skiers, wakeboards, etc.

With Council concurrence, Mayor Pro Tempore Pennino noted for the record that this item does not require action, as it would no longer be of concern following Council's earlier vote recommending the County impose a 5mph speed limit.

- Recommendation #3 – institute annual maintenance program for removal of obstacles and debris where permitted

Council Member Land stated he would not be in support of such a program at this time, noting that he would like to receive more specific information and a detailed proposal. Mr. Land reminded Council that as Park Superintendent, Dwight Dauber endured endless red tape and an 18-month negotiation process attempting to remove only a few fallen trees from the river.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Hitchcock second, directed staff to work with local groups, organizations, and government agencies, such as Fish and Game, toward supporting a clean-up effort of debris through an annual maintenance program where financially feasible. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, Pennino and Mayor Nakanishi  
Noes: Council Members – Land  
Absent: Council Members – None  
Abstain: Council Members – None

- Recommendation #4 – institute law enforcement agency patrol along the river

With Council concurrence, Mayor Pro Tempore Pennino noted for the record that this item was covered by the above action in authorizing the City Manager to enter into an agreement with the San Joaquin County Sheriff's Office.

- Recommendation #5 – enhance public awareness and education regarding boat and river safety

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Pennino, Hitchcock second, unanimously directed staff to work with local groups, organizations, and government agencies to include the San Joaquin Boating Association toward installing informational safety signs along the banks of the river.

*Continued March 26, 2001*

C. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:33 p.m.

ATTEST:

Jacqueline L. Taylor  
Deputy City Clerk